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**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

**UNITED STATES OF AMERICA and
DONNA DILORETO, Revenue Officer,**

Petitioners,

V.

ELLIS RAY MOSELEY,

Respondent.

) Case No.: 3:08-cv-00108-JL

) MOTION TO CHANGE TIME

Pursuant to Civil L.R. 6-3, petitioners request an extension until April 16, 2008, of the Order to Show Cause hearing currently scheduled for March 12, 2006. (Dckt. No. 3.)

Petitioners request this change in time because respondent, Ellis Ray Moseley, is in the process of complying with the IRS summons, but it is unlikely that Mr. Moseley can provide all of the requested information by March 12, 2008. For that reason, the change in time may allow the parties to resolve this matter informally, without the need for a hearing.¹

As noted in the attached declaration, while respondent consents to this change in time petitioners were unable to obtain a stipulation. No other requests to change time have been made

¹Petitioners will file promptly a Notice of Dismissal in accordance with Fed. R. Civ. P. 42 if this matter is resolved before that date.

1 in this case.

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3 JOSEPH P. RUSSONIELLO
4 United States Attorney

5 /s/ Thomas M. Newman
6 THOMAS M. NEWMAN
7 Assistant United States Attorney
8 Tax Division

9 **CERTIFICATE OF SERVICE**

10 The undersigned further certifies that I caused a copy of the Motion to Change Time,
11 Proposed Order, and attached declaration by First Class Mail on the following:

12 Ellis Ray Moseley
13 1122 Ruby Street
14 Redwood City, CA 94061

15 Executed on **February 27, 2008** at San Francisco, California.

16 /s/ Thomas M. Newman
17 THOMAS M. NEWMAN
18 ASSISTANT UNITED STATES ATTORNEY
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